

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENNIS HALL, #266280,

Plaintiff,

v.

CASE NO. 2:13-CV-13902
HONORABLE SEAN F. COX

RICHARD M. DODMAN &
WILLIAM C. BORGERDING,

Defendants.

**OPINION AND ORDER DISMISSING WITHOUT PREJUDICE THE CIVIL
RIGHTS COMPLAINT, DENYING THE APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF FEES OR COSTS, AND CONCLUDING
THAT AN APPEAL CANNOT BE TAKEN IN GOOD FAITH**

Michigan prisoner Dennis Hall (“Plaintiff”), currently confined at the Oaks Correctional Facility in Manistee, Michigan, has filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 alleging that he is being denied proper accommodations, *e.g.* athletic shoes, for a medical condition arising from injuries to his feet. He names medical personnel as defendants in this action and seeks injunctive relief and monetary damages.

Plaintiff’s claims, however, are duplicative to claims that he has raised in another, previously-filed civil rights action, Case No. 2:13-CV-13859, which is currently pending before the Honorable Paul D. Borman. This Court will not entertain duplicative or similar claims in two different cases. *See, e.g., Childress v. Cole*, No. 2:10-CV-14821, 2011 WL 163429, *3 (E.D. Mich. Jan. 19, 2011) (dismissing civil rights complaint in part as duplicative to pending case); *Scott v. Burress, et al.*, No. 2:09-CV-10916, 2009 WL 891695 (E.D. Mich. March 31, 2009) (dismissing civil rights case as duplicative); *see also Davis v. United States Parole Comm’n*, 870 F.2d 657, 1989

WL 25837, *1 (6th Cir. March 7, 1989) (court may dismiss habeas petition as duplicative of pending petition when the second is essentially the same as the first). Accordingly, Plaintiff's claims concerning his medical care and accommodations must be addressed in Case No. 2:13-CV-13859. His present complaint shall therefore be dismissed without prejudice to the complaint filed in that case. No fees shall be assessed for this filing.

Accordingly, for the reasons stated, the Court **DISMISSES WITHOUT PREJUDICE** the civil rights complaint and **DENIES** the application to proceed without prepayment of fees or costs. The Court also concludes that an appeal from this order would be frivolous and cannot be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds, *LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013).

IT IS SO ORDERED.

Dated: October 9, 2013

S/ Sean F. Cox
Sean F. Cox
U. S. District Court Judge

I hereby certify that on October 9, 2013, the foregoing document was served upon counsel of record by electronic means and upon Dennis Hall by First Class Mail at the address below:

Dennis Hall
266280
Oaks Correctional Facility
1500 Caberfae Highway
Manistee, MI 49660

Dated: October 9, 2013

S/ J. McCoy
Case Manager